

## INTRODUCTION

The Delaware Department of Transportation (DelDOT) is responsible for building and maintaining the State's transportation system. To accomplish this, it is often necessary to acquire land from private property owners. DelDOT does its best to ensure that the property is obtained at fair market prices and that property owners and tenants are moved to desirable locations with as little inconvenience as possible, if relocation is necessary. This brochure will provide you with information about DelDOT's process of acquiring rights of way for transportation projects. You will find information on public transportation projects. You will find information on public hearings, the appraisal process, negotiations between you and the real estate representative, what happens if you refuse DelDOT's offer to buy, and how DelDOT will assist you if you have to move. On the back of the brochure, you will find the addresses and phone numbers of DelDOT's branch offices. DelDOT's real estate representatives will be glad to assist you in any way possible.

## HOW WILL I BE INFORMED OF THE ROAD PROJECT?

Public hearings are held for major road projects. At these community meetings, a DelDOT representative will answer your questions and provide information and plans on the proposed road construction. You will have a chance to voice your opinions about the construction and to propose alternatives or changes. After the hearing, you will have an opportunity to provide written documents about the project. All information received at and after the hearing will be carefully reviewed by DelDOT. A report will be issued which will state DelDOT's decision to continue, modify or abandon the project. You will be able to get an idea about how the project will affect you and your family; what, if any, compensation you will be eligible to receive; and whether relocation will be necessary. A notice of the public hearing will run as a classified advertisement in local newspapers before the hearing. When a public hearing is not held on the project affecting your property, a real estate representative will contact you to help answer your questions.

## WHAT DOES THE APPRAISAL PROCESS INVOLVE?

You will receive the fair market value for any property, including the improvements on the property, in order for DelDOT to build the project. To determine fair market value a qualified individual appraises your property, considering recent property sales in your community and neighborhood, as well as building costs and land values.

You will be able to accompany the appraiser to point out any unusual features of the property or to provide information you think may assist in determining its value. Once the appraisal is completed and approved through an independent review process, negotiations are ready to begin. The appraisal, in non-complex acquisitions, can be waived.

## HOW ARE NEGOTIATIONS CARRIED OUT?

Negotiations are a crucial state in the acquisition process. Successful communication is essential. A DelDOT real estate representative will contact you via mail or in person to explain the project and the amount of property required, along with any permanent or temporary easements. These easements allow utilities to use a certain amount of your property to construct their facilities or for DelDOT to build sidewalks, slopes, or drainage areas. The real estate representative will provide you a copy of the approved real estate appraisal and discuss how the value was determined. If you have any questions about what is being acquired, how much compensation is offered, or how the construction will effect the rest of your property, do not hesitate to ask the real estate representative. You will receive a written confirmation of the offer and have time to consider it.

## WHAT IF I ACCEPT DELDOT'S OFFER?

If you decide to accept the offer, you will be asked to sign a binding agreement between you and DelDOT, called a "purchase contract." The contract commits you to sell your property for the amount of the offer and commits DelDOT to pay you that amount. You will be expected to sign the deed in order to receive the check, usually within 90 days after you have signed the purchase contract. If there is a mortgage on the property, additional time may be required to complete the necessary paperwork and satisfy mortgage requirements. On partial acquisitions, DelDOT must receive a release from the mortgage company.

## WHAT HAPPENS IF I CANNOT ACCEPT THE OFFER?

State law recognizes your right to refuse the purchase offer and to have the value of your property established by the courts. The law also allows DelDOT to gain possession of a property even when agreements cannot be reached, so that development of the project can continue. The right of a government to take private property for public use is called "eminent domain." If you refuse DelDOT's offer, application will be made to the court in your county, indicating the need to obtain possession of your property for project construction. This allows

DelDOT to proceed with the project. DelDOT's offer will still be available through the court. Negotiations between you and DelDOT will continue in efforts to reach a settlement. If a settlement still is not reached, a three-member commission will determine the amount of just compensation. The commission is selected from 11 proposed impartial commissioners, nominated by the Superior Court. After hearing testimony and viewing the property, the commission establishes a value binding to you and DelDOT. Either side may appeal if a legal error has been made or if the award is deemed unacceptable by the judge. Eminent domain, or condemnation proceedings, can have benefits:

### For you...

- You get relief, if the offer was unacceptable.
- You have additional time to consider the offer.
- By petitioning the court, you could get your money while negotiations continue if you have clear title to the property.

### For DelDOT...

- The project continues on schedule.
- DelDOT has more time to review the owner's expectations.

While condemnation proceedings may on occasion be necessary, mutual agreement is preferred.

## WHAT IF I HAVE TO MOVE BECAUSE OF THE PROJECT?

Unfortunately, transportation facilities cannot always be routed around homes, businesses, farms or non-profit organizations. It may be necessary for you to move, but state and federal Relocation Assistance Acts try to minimize any inconveniences caused by relocation.

## HOW WILL DELDOT ASSIST ME?

For those who must move, DelDOT offers the following services:

- Information regarding available properties for sale or rent.
- Information about low-rent housing. DelDOT will determine if you are eligible and assist you in filing an application.
- Help with inspecting your proposed replacement home, assessing required housing standards, and determining whether the home meets state and federal guidelines.
- Information on suitable locations for businesses, farms and nonprofit organizations.
- Transportation to replacement properties if necessary.
- Information on other federal and state programs.

## HOW WILL I FIND A NEW HOME?

DelDOT's goal is to offer you the opportunity to relocate to an equal or better home than the one you now occupy. In many cases, people who move find that their living conditions are actually improved. The replacement home must meet certain standards, including state and local building, plumbing, electrical, housing and occupancy codes. Please do not sign a sales contract or lease agreement for a new home until your relocation counselor has inspected the dwelling and certified in writing that it meets the guidelines.

## WHAT HAPPENS IF I OWN MY HOME?

If you plan to buy a new home and have owned and occupied your home for 180 days or more before negotiations began, you are eligible for certain benefits. If another home that meets the guidelines and is comparable to your current home cannot be found on the open market, you may be entitled to a housing supplement payment. You also may be entitled to a mortgage interest differential payment if the interest rates on the new mortgage exceed those of your former mortgage. You will be reimbursed for incidental closing costs. The combined total of these payments cannot exceed \$22,500, and the payments will be limited to the amount you actually spend on these items in buying your new home.

If you have been a homeowner for at least 90 days but less than 180 days and choose to buy another home, you may be eligible for a maximum payment of \$5,250 as reimbursement for reasonable expenses required for the purchase.

If you were a homeowner for at least 90 days before negotiations began and choose to rent rather than buy, you may be entitled to a maximum payment of \$5,250. The exact amount would depend on the rent required for a house that meets DelDOT's guidelines and on the rental value of your current home as established by DelDOT as if it were available on the open market for rent.

## WHAT HAPPENS IF I RENT MY HOME?

If you have rented your home for at least 90 days before negotiations began with the home's owner, you may be entitled to a maximum payment of \$5,250. If you rent but wish to buy, you may be eligible for a maximum of \$5,250, which could be applied to the purchase price of another home, including closing costs.

## WHAT IF I CAN'T FIND A HOUSE TO BUY OR RENT?

If comparable housing is unavailable within the \$5,250 and \$22,500 limits, it will be necessary to consider other options under the "last-resort" housing program,

such as building a new home. If you are eligible for reimbursement under the last-resort housing program, the various options will be fully explained to you by the relocation counselor.

From the date you receive written notice from DeIDOT of your eligibility for relocation assistance and benefits you will have at least 90 days to find housing that meets state and federal guidelines. Furthermore you will be given an additional written notice at least 30 days before you are to vacate your home. In no event will you be asked to vacate your home until DeIDOT has received possession of your property either through settlement or by court order.

**HOW WILL I BE REIMBURSED FOR MOVING EXPENSES?**

DeIDOT will pay moving expenses for a maximum distance of 50 miles based on competitive bids. It is important to keep receipts of all expenses. At your request, payment from DeIDOT also may be paid on the basis of a fixed per room schedule.

Actual Reasonable Moving Costs	OR	Fixed Moving Cost
Packing and Unpacking Temporary Storage Transportation Moving Insurance Other Related Costs		One Maximum Payment Based on Per Room Schedule

You must apply to DeIDOT in advance, using a form furnished by the relocation counselor, indicating how and when you anticipate moving. Once your application is reviewed, you will be notified of the approved amount. DeIDOT will be glad to assist you with the application.

Payment will not be made until the move is completed.

**HOW WILL I BE REIMBURSED FOR A BUSINESS, FARM OR NON-PROFIT ORGANIZATION?**

You can be reimbursed for the cost of moving the personal property of a business, farm or non-profit organization up to 50 miles. Please keep all receipts of expenses. In some instances, you can be reimbursed for the loss of tangible personal property and the expense of looking for a replacement site.

A business operation may be entitled to an in lieu of

moving cost payment of \$1,000 minimum and a maximum of \$20,000 if:

- The business cannot be relocated without substantial loss of clientele or net earnings.
- The business is not a part of a commercial enterprise having more than 3 other entities which are not being acquired by DeIDOT.

A farm operation also can receive a minimum of \$1,000 of a maximum of \$20,000 if:

- The farm operation stops or is relocated elsewhere on the remaining property.
- The transportation project impedes the efficiency of the farm operation.
- The project makes it economically unfeasible to operate the remaining property as a farm.

A non-profit organization can receive a minimum of \$1,000 or a maximum of \$20,000 if:

- It cannot be relocated without a substantial loss of clientele or membership.

A small business, farm or non-profit organization may be entitled to a reestablishment payment not to exceed \$22,500 for expenses actually incurred in relocating and reestablishing such small business, farm or non-profit organization at the replacement site. If you qualify and apply for an in lieu of moving cost payment, you will not be eligible for the reestablishment expenses.

You must apply to DeIDOT using a form available from your relocation counselor, before you move, whether you are moving a home, business, farm or non-profit organization. If DeIDOT has approved the move, you will receive payment after the move takes place.

**WHAT IF I AM DISSATISFIED WITH THE RELOCATION SERVICES?**

If you do not agree with the relocation services you have received, you may appeal within 60 days of the date DeIDOT notifies you of your eligibility to receive benefits or notifies you that your relocation claim is denied. You, and if represented, your attorney, will have an opportunity to give supporting evidence for your appeal. A DeIDOT official will review the case thoroughly and notify you in writing of his or her ruling. If the full relief requested is not granted you will be advised of your right to seek judicial review.

All relocation assistance payments are in addition to the payment for the real estate acquired.

**WHERE CAN I GET ADDITIONAL INFORMATION?**

From the public hearing stage until the time you are contacted personally by a real estate representative, you may get additional information by calling the number for your county listed below. After the real estate representative or relocation counselor has contacted you, your best source of assistance is through that individual. If you are dissatisfied for any reason with the information or service the real estate representative provides, please call the number listed for your county and seek assistance through the Assistant Chief, Real Estate, for that county or the Statewide Relocation Manager.

**IN NEW CASTLE COUNTY**

**Assistant Chief, Real Estate  
New Castle County Acquisitions Branch  
Department of Transportation  
250 Bear-Christiana Road  
Bear, DE 19701  
Telephone: (302) 326-4472**

**IN KENT AND SUSSEX COUNTIES**

**Assistant Chief, Real Estate  
Kent and Sussex Counties Acquisitions Branch  
Department of Transportation  
P.O. Box 778  
Dover, DE 19903  
Telephone: (302) 760-2228**

**Relocation Manager  
Statewide Relocation Assistance  
Department of Transportation  
P.O. Box 778  
Dover, DE 19903  
Telephone: (302) 760-2229**

**YOUR  
PROPERTY  
AND THE  
RIGHT-OF-WAY**



**Delaware  
Department of  
Transportation**